

09-07-04

COPC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Number: 6,779,735 B1
Patentee: Richard S. Onstott
Issued: August 24, 2004
Filed: September 24, 2003
Application No. 10/669,974

Request for Expedited Publication of Certificate of Correction Under 37.C.F.R. 1.322

Attention: Certificate of Correction Branch
Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Certificate
SEP 13 2004
of Correction

Applicant requests that an expedited certificate of correction for this application be issued.

Applicant has attached a three-page certificate of correction using form PTO/SB/044 (two copies have been attached). These forms list a number of minor corrections to the patent that are needed to make the text conform to the drawings.

The support for this request is as follows:

On January 30, 2004, applicant sent, by certified mail, a preliminary amendment that included a 9-page text that included several corrections to the specification and four sheets of proposed drawing corrections. This amendment was received on February 3, 2004. Attached as Exhibit A, is a copy of the preliminary amendment. Attached as exhibit B, is a copy of the return post card showing the items received on that date include the 9 page preliminary amendment.

The Request for Certificate of Correction of Richard Onstott
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Number: 6,779,735
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Issued: August 24, 2004
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On March 12, 2004, the examiner issued a requirement for election in the case. Applicant responded to that request on April 9, 2004.

On May 6, 2004, the examiner issued a Notice of Allowability and a Notice of Allowance and Issue Fee Due. In that notice, acknowledgement of the election filing was made, but nothing was said about the preliminary amendment.

Applicant immediately contacted the examiner and asked about the preliminary amendment. The examiner explained that he had not seen the amendment but would check it out.

On July 1, 2004, the examiner issued a Supplemental Notice of Allowability (copy attached as Exhibit C). That document indicated that the drawings submitted on February 3 were accepted by the examiner; however, nothing was said about the text amendments not being entered. Applicant believed that the amendment had been entered and then paid the issued fee on July 7, 2004.

The Patent Issued on August 24, 2004, with the corrected drawings, but with none of the text changes.

Applicant accessed the private pair system to see the contents of the file wrapper. The preliminary amendment is listed; however, only the first page of the

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document is displayable. It appears that perhaps the body of the amendment was never scanned into the system.

Argument

Applicant filed the preliminary amendment weeks before the examiner made the restriction requirement and months before the Notice of Allowability was issued. The Patent Office acknowledged that it had received the entire document. The examiner was notified as to the amendment. The examiner never contacted the applicant to say that the text was not available or to acknowledge that there was any problem with the amendment after the amendment was brought to the examiner's attention.

The drawings were approved by the examiner and were sent to publication in an informal state (they contain crossed out information, but are correct). The changes to the text that conforms the specification to the amended drawings were never made.

Clearly, the Patent Office had all of the information needed to incorporate the changes into the patent. The Patent Office failed to delay publication of the patent to get the changes incorporated into the patent. The Patent Office failed to ascertain why

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the preliminary amendment has one page and no other information, even after the examiner was told that there were both drawing and text changes in the amendment.

Therefore, applicant believes that the failure to include these text correction in the patent were solely the fault of the Patent Office. Accordingly, applicant requests expedited issuance of the certificate of correction in accord with 37.C.F.R. 1.322.

Respectfully Submitted



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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : US 6,779,735 B1

DATED : August 24, 2004

INVENTOR(S) : Richard Onstott

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In col. 5, line 64, after "the filter", please insert --element--.
 In col. 5, line 64, please delete "output grill" and insert therefor --filter--.
 In col. 6, line 1, please delete "duct" and insert therefor --filter--.
 In col. 6, line 15, after "its contacts", please insert --22-1--.
 In col. 6, line 35, after "switch", please delete "22" and insert therefor --23a--.
 In col. 7, line 43, please delete "that moves the air" and insert therefor --through which air flows--.
 In col. 7, line 51, please delete "102" and insert therefor --120--.
 In col. 8, line 2, after "has", please delete "two" and insert therefor --three--.
 In col. 8, line 5, please delete "which" and insert therefor --to--.
 In col. 8, line 34, after "fan switch", please delete "64" and insert therefor --51--.
 In col. 9, line 32, after "These", please insert --isolation--.

MAILING ADDRESS OF SENDER:

2051 Brigadier Drive
Anchorage, AK 99507

PATENT NO. 6,779,735 B1

No. of additional copies

⇒ 2

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

15 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO. : US 6,779,735 ^{B1}
DATED : August 24, 2004
INVENTOR(S) : Richard Onstott

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In col. 9, line 33, after "on or off", please insert --to permit fresh air intake without preheating or precooling or to disable the HRV for maintenance or when fresh air intake is not desired.--.
In col. 9, lines 33-38, please delete all text beginning with "The fan speed control is eliminated" and ending with "the relay is continuously activated."
In col. 9, line 38, before "All other aspects", please insert --The HRV can be run continuously and independent of the timer if bypass switch 35-a is closed to energize relay 39 closing contacts 39-1 to provide the path.--.
In col. 9, line 56, after "furnace blower", please insert --may increase speed (if so programmed) during the heating cycle, after which it sets back--.
In col. 9, line 67, please delete "timer in this position" and insert therefor --timer. In this position--.
In col. 9, line 63, after "panel 80", please insert --(fig. 1)--.

MAILING ADDRESS OF SENDER:

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Anchorage, AK 99507

PATENT NO. 6,779,735 ^{B1}

No. of additional copies

⇒ 2

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

15 SEP 2004

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO. : US 6,779,735 *B1*
DATED : August 24, 2004
INVENTOR(S) : Richard Onstott

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In col. 10, lines 7-9, please delete the text beginning with "With the room thermostat" and ending with "calls for heat, etc."

In col. 10, line 19, after "is used to", please "operation of" and insert therefor --operate--.

In the Abstract, line 6, after "around", please delete "room".

MAILING ADDRESS OF SENDER:

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Anchorage, AK 99507

PATENT NO. 6,779,735 *B1*

No. of additional copies

⇒ 2

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

15 SEP 2004

Exhibit A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Richard Onstott
Serial Number: 10/669,974
Filed: September 24, 2003
For: Air Ventilation Control System

Art Unit: 3744

Preliminary Amendment under 37 C.F.R. §1.115

Applicant hereby files this preliminary amendment to correct minor errors in the specification and drawings. This amendment is filed solely to make the correct these errors to assist the examiner in the examination of the application. No new matter is entered.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Richard Onstott
Serial Number: 10/669,974
Filed: September 24, 2003
For: Air Ventilation Control System

Art Unit: 3744

In the Specification

Kindly amend the specification as follows:

Kindly substitute the following paragraphs for the originals:

On page 12, lines 1-8:

Figure 1 shows the ability to operate the system in two basic modes. The first mode is the standard operating mode commonly used today. In this mode, the main fan 20 pulls air from the interior of the building through the return air ~~duct~~-filter 13, where it then flows back into the building through the filter element and grill of the ~~output-grill~~ filter 14. In this case, the dampers 16, 17, 18 and 19 are closed.

In the second mode of operation, the new air intake system is used. In this case, dampers 16, 17, 18, and, if desired 19 are opened. In this system, the main fan 20 pulls air in through the return air ~~duct~~ filter 13.

On page 12, lines 16-21:

An in-duct smoke detector 21 can be placed in the ductwork on the intake side as shown. In addition, a carbon monoxide (CO) detector 22, which is not part of the ductwork system, can be installed and its contacts placed in the control circuit (as discussed below). Thus, as shown on figure 2, the CO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Richard Onstott
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For: Air Ventilation Control System

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detector has a set of contacts 22-1 that overrides the timing portion of the circuit to cause fresh air to be introduced into the building.

On page 13, lines 9-12:

At the top of the circuit is a set of switch contacts from the in-duct smoke detector. If it detects smoke, these contacts open and all of the system is shut down. Next, is a timer circuit. This consists of a master on off switch 22 23a, a timer 23 that has a timing element (discussed below), and an associated set of contacts 24.

On page 16, lines 1-4:

intake air filter, an intake air fan, and a duct ~~that moves the air~~ through which air flows to the furnace. Within the duct, there is a damper to control the flow or air. As in the embodiment above, an in-duct smoke detector may be placed within the duct as a safety measure.

On page 16, lines 14-20:

Below those components are a contact 39-1 from relay 39 and a contact 50-1 from relay 50. Either of these contacts operates an air intake fan 40. The air intake fan 40 has a speed control switch 41 in the circuit as shown. Finally, at the bottom of the circuit is a damper control switch 42 that controls the damper motor 43. The switch 42 has ~~two~~ three modes: open, in which the

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In Re Application of: Richard Onstott
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For: Air Ventilation Control System

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damper is open continuously, ~~or~~ "off", in which the damper remains closed, or auto, in which the damper is controlled by the contacts 39-1 and 50-1, ~~which~~ to operate in conjunction with the air intake fan 40.

On page 17, lines 18-21:

The other pole of the room temperature fan switch 51 is labeled auto. In this mode, the blower runs only during heating cycles, as its control is operated only when the thermostat calls for heat. The room temperature thermostat fan switch ~~64-51~~ is a switch located in many thermostats.

On page 20, lines 5-10:

These isolation switches are designed to turn these fans on or off to permit fresh air intake without preheating or precooling or to disable the HRV for maintenance or when fresh air intake is not desired. ~~The fan speed control is eliminated from this circuit. A timer bypass switch 75 has been added as shown. Note also that the bypass switch is ganged with components 35 and 35-a. In this way, if the bypass is opened the timer is disconnected and the relay 39 is continuously activated. The HRV can be run continuously and independent of the timer if bypass switch 35-a is closed to energize relay 39 closing contacts 39-1 to provide the path.~~ All other aspects of the system remain the same as shown in figs 5 and 6.

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In Re Application of: Richard Onstott
Serial Number: 10/669,974
Filed: September 24, 2003
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On page 20- line 21, to page 21, line 4:

If the room thermostat calls for heat during a time that air is being circulated, the furnace blower may increase speed (if so programmed) during the heating cycle, after which it sets back and continues air circulation for the set-time remaining. If the thermostat calls for heat when the timer is quiescent, the timer is overridden and the blower operates. If the thermostat shuts down while the timer is still in the quiescent period, the blower stops operating.

On page 21, lines 5-11:

Figure 10 is a detail of the front panel controls of the control panel 80 (fig. 1). These controls are as follows. At the top is the Furnace Blower Control Switch (e.g., 52 on figure 4). This switch selects two different controlling units: first is the timer, which places the furnace Indoor blower (e.g., 40) under control of the timer. [[I]] In this position, as long as the room thermostat fan switch is set to "on", programmed air circulation takes place in accordance with the timer settings. The room thermostat controls heating in conjunction with the timed blower operations (as discussed above).

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On page 21, lines 13-21:

With the switch set to the thermostat position, the room thermostat takes full control of furnace for all functions, e.g., burner operation during calls for heat, etc. ~~With room thermostat fan switch control of furnace for all functions, e.g., burner operation during calls for heat, etc.~~ With room thermostat fan switch 51 set to "on", the furnace blower would run continuously but for intervention by the system's timer which limits introduction of filtered outside air to set periods and during heating cycles. With room thermostat fan switch 51 set to "auto", the furnace blower 40 runs only during the heating cycle, with filtered outside air added only during the cycle.

The bypass switch 35 is used to over-ride the system control unit. If the switch 35 is in the "on timer" (normal) position, the timer is used to ~~operation~~ operate the damper.

Kindly amend the abstract as follows:

A system that allows fresh air to be brought into a furnace as part of the return air circuit. This not only helps to replace stale air within a home, it also provides adequate air supplies to establish enough positive pressure within the dwelling to prevent air infiltration around windows, doors, forced

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air registers and around ~~room~~ perimeters of rooms along the baseboards. The system consists of a furnace that has a return air supply duct, an intake louver and filter for bringing fresh air into the system, an intake fan mounted to the intake, an intake duct that brings the fresh air from the intake louver to the furnace and a motorized damper, installed in the intake duct, to control the flow of air. These components are controlled by a control panel that works with the thermostat and furnace controls to operate the intake fan and damper as for optimum operation.

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In the Drawings

Applicant has attached four proposed drawing corrections, marked in red. The first is Figure 1, which includes a reference numeral "14" for the duct as shown. This numeral is described in the specification, but was inadvertently left off the drawing.

The second correction is on Figure 4. In this figure, the labels on switch 51 were misplaced. The red labels indicated their proper location.

The third amendment is on Figure 6. Here, the labels were also inadvertently misplaced on the figure.

The fourth amendment amended figure 9 to remove a bypass switch 75, which was placed on the drawings in error.

Note that the corrections to figures 1, 4, 6, and 9 do not include new matter because the wiring shown in the diagrams is correct and that the switches are wired with the functions as now labeled. The only difference is that the drawings now reflect the reality as described in the specification and shown in the wiring diagrams.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Richard Onstott
Serial Number: 10/669,974
Filed: September 24, 2003
For: Air Ventilation Control System

Art Unit: 3744

Remarks

Applicant has submitted a preliminary amendment that corrects minor errors in the specification and drawings. No new matter has been entered. The specification now reflects the electrical realities that are shown on the drawings. As such, there is no new matter included in these amendments. Therefore, applicant prays for admission of this amendment.



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Exhibit B

15 SEP 2004

Certified # 7002 375066046359475

Express Mail No.

In Re Application of: R. D. Stott

Serial Number: 10/669,974

Art Unit: 3744

Filed: 9/24/03

Examiner:

For: Air Ventilation Control System

Papers Filed:



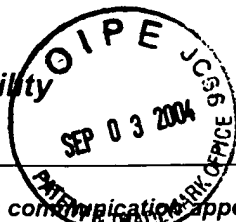
9 page preliminary Amendment
4 sheets proposed drawing corrections
Transmitted form
Return post card

15 SEP 2004

Exhibit C

15 SEP 2004

**Supplemental
Notice of Allowability**



Application No.

10/669,974

Examiner

William E. Tapolcai

Applicant(s)

ONSTOTT, RICHARD S.

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
 2. ☒ The allowed claim(s) is/are 7-15.
 3. ☒ The drawings filed on 03 February 2004 are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

William E. Tapolcai
William E. Tapolcai
Primary Examiner
Art Unit: 3744



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate Of Mailing

I hereby certify that the enclosed Request for Expedited Certificate of Correction, including 2 copies of a three page correction form PTO/SB/44, Exhibits A, B and C, and a return post card for the below captioned patent are being deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to:

Attn: Certificates of Correction Branch
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Express Mail Number ED 048604629 US
on September 3, 2004

Michael Tavella
(Name of person making deposit)



(Signature)

9/3/04
(Date)

In Re Patent Number: 6,779,735
Patentee: Richard S. Onstott
Issued: August 24, 2004
Application No. 10/669,974

Michael Tavella

Patent Agent/Engineer

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15 SEP. 2004